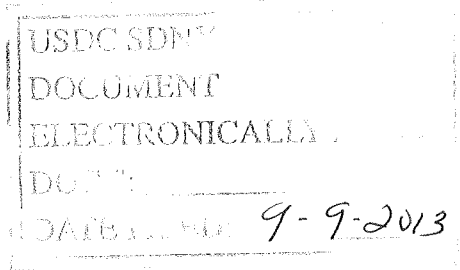


September 6, 2013



JONATHAN M. HERMAN
(212) 415-9247
FAX (646) 607-0943
herman.jonathan@dorsey.com

VIA ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 610
New York, New York 10007

Re: *James et al. v. Penguin Group (USA) Inc., et al.*, No. 1:13-cv-02801 (DLC)

Dear Judge Cote:

We represent Defendants Penguin Group (USA) and Author Solutions LLC in the above-referenced action. As Your Honor is aware, on September 4, we wrote to the Court, pursuant to Section III.A.2 of the Standing Order In Re Pilot Project Regarding Case Management Techniques for Complex Civil Cases in the Southern District of New York [Dckt. No. 2], to request a pre-motion conference. We requested that such conference (regarding a potential motion by Defendants to strike the class allegations contained in the Amended Complaint [Dckt. No. 11], or in the alternative, to deny class certification) be conducted on the same date as the preliminary conference scheduled in this matter (September 13, 2013), or at the Court's convenience thereafter. In response, the Court stated that pre-motion conference letters are limited to two pages, and that the September 13 conference would proceed as scheduled. [Dckt. No. 19.]

Because the pre-motion conference letter page limit set forth in the Standing Order was three pages, Defendants submitted a three-page letter. We understand that Your Honor's Individual Rules limit correspondence to two pages, and in the future will interpret the same to take precedence over the Standing Order. In the interim, we respectfully request that the Court advise as to whether the Court has rejected the September 4 submission, in which case Defendants are prepared to submit a revised, two-page letter, or whether the Court prefers that the parties address the issues raised in the September 4 letter orally at the September 13 conference without further correspondence.

Respectfully,

Jonathan M. Herman

cc: Oren Giskan, Esq. (via e-mail)

*No further correspondence
is necessary.*

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